IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13666 of 2004

Between:

P.Sarveswara Rao S/o. P.Subba Rao
R/o. H.No.10-122, Kothavuru Kanchikacherla Mandal and Post Krishna District.

..... PETITIONER

AND

1 A.P.SR.T.C. Musheerabad, Hyderabad
rep by its Managing Director.
2 The Regional Manager APSRTC, Krishna Region
P.N.B.S, Vijayawada, Krishna District.
3 The Depot Manager APSRTC, Jaggaiahpet Depot
Jaggaiahpet, Krishna.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particulalry one in the nature of writ of Mandamus or any other appropriate writ (i) declare the office order No.E1/693(4)/2004 -JPT dated 28-5-2004 issued by the third respondent in retiring the petitioner from service on the ground of defective vision, as illegal, arbitrary and in violation of Section 47 of Act 1 of 1996 and (ii) consequently direct the respondent corporation to provide employment to the petitioner in terms of Section 47 of Act 1 of 1996 with a further direction to arrange for payment of salalry w.e.f. 28-5-2004 will all consequential benefits and pass.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondents 1 to 3: MR.VENKATESWARLU POSANI, SC for APSRTC

The Court made the following:

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.NO.13666 OF 2004

ORDER:

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The petitioner worked as a driver in the respondent- Corporation and he was retired from service through the proceedings 28.05.2004 on the ground of defective vision. He filed a representation to the second respondent on 06.06.2004, but there is no response. He therefore, approached this court seeking a direction to the respondents to consider his case under Section 47 of "The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995" (for short Act 1 of 1996) and to provide an alternative employment immediately. In the impugned order dated 28.05.2004, there is no mention as to whether the petitioner is entitled for the benefit under the provisions of Section 47 of the Act 1 of 1996. The said section mandates that an alternative job can be provided to the employee who was retired on medical invalidation while in service.

The respondents are, therefore, directed to consider the representation of the petitioner dated 06.06.2004 and pass appropriate orders regarding the request to consider his_case for alternative employment under Section 47 of the Act 1 of 1996.

The writ petition is disposed of accordingly. No order as to costs.

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Dr.G.YETHIRAJULU, J

Dated 04th August, 2004.

YCR

To:

1 The Managing Director, A.P.SR.T.C. Musheerabad, Hyderabad
2 The Regional Manager APSRTC, Krishna Region
P.N.B.S, Vijayawada, Krishna District.
3 The Depot Manager APSRTC, Jaggaiahpet Depot
Jaggaiahpet, Krishna District.

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